

HOUSE BILL 1358

By Rich

AN ACT to amend Chapter 75 of the Private Acts of 1969; as amended by Chapter 316 of the Private Acts of 1978; and any other acts amendatory thereto, relative to the charter of the City of Grand Junction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 75 of the Private Acts of 1969, as amended by Chapter 316 of the Private Acts of 1978, and any other acts amendatory thereto, is amended by deleting Section 7(b) in its entirety and by substituting instead the following:

(b) The compensation of the Mayor and Aldermen shall be set by ordinance at least one hundred twenty (120) days prior to the municipal election. The salary of the Mayor or any Alderman shall not be changed during their term of office. The Mayor and Aldermen may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

SECTION 2. Chapter 75 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by deleting Section 13(a) in its entirety and by substituting instead the following:

Section 13.

(a) Any action of the Board having a regulatory or penal effect, relating to revenue or appropriation of money, awarding franchises, authorizing the borrowing of money, conveying or leasing or authorizing conveyance or lease of any lands of the City, or required to be done by ordinance under this Charter or the general laws of the State, shall be done only by ordinance. Other actions of the Board may be accomplished by resolutions or motions.

Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each member of the Board in advance of the meeting at which they are introduced. The enacting clause of ordinances shall be "Be it ordained by the Mayor and Board of Aldermen of the City of Grand Junction:"

No action of the board shall be valid or binding unless approved by the affirmative vote of at least four (4) members of the Board. Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or as amended.

Every ordinance except an emergency ordinance must be approved three (3) times not less than one (1) week apart, and shall become effective twenty (20) days after final approval unless its terms provide a later effective date. To meet a public emergency affecting life, health or property, an emergency ordinance may be approved twice on separate days and become effective immediately, by the affirmative votes of five (5) members of the Board, if the ordinance contains a full statement of the facts creating the emergency, but any emergency ordinance shall be effective for only ninety (90) days. Appropriations, revenues, franchises, contracts, levy of taxes, borrowing money, or special privileges shall not be passed as emergency ordinances.

Each resolution shall become effective when adopted unless its terms provide otherwise.

SECTION 3. Chapter 75 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by deleting Section 19 in its entirety and by substituting instead the following:

Section 19. City court and city judge.

(a) A city court is created to be presided over by a city judge. The board shall appoint the city judge. The city judge must meet the qualifications established by the board by ordinance.

(b) In the absence or disability of the city judge, the mayor may appoint a qualified person to serve as city judge until the next meeting of the board, at which the mayor's appointment may be approved or at which the board may appoint another qualified person to serve until the city judge returns.

(c) The city judge may impose fines for ordinance violations and may also impose costs and forfeitures. The judge may preserve and enforce order in the court and enforce the collection of all fines, costs, and forfeitures imposed.

(d) Fines and costs may be paid by installment in a manner provided by ordinance. The city judge may forgive, with or without condition, fines and costs imposed for an ordinance violation. The city judge shall make a monthly report to the board of all fines, costs, and litigation taxes collected, and transmit these revenues to the municipal treasury.

SECTION 4. Chapter 75 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by deleting Section 32 in its entirety and by substituting instead the following:

Section 32. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto; and, ordinances or resolutions and purchasing procedures approved by the governing body. The purchasing agent, or designated representative, as provided by ordinance, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body.

SECTION 5. Chapter 75 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by deleting Section 34 in its entirety and by substituting instead the following:

Section 34. That the mayor may sell city personal property which is obsolete, surplus or unusable by sealed bids or at public auction, as provided by ordinance; provided, however, that any sale for more than five hundred dollars (\$500.00) or any sale of real estate shall be subject to approval by the Board. The mayor may sell any

item valued at less than fifty dollars (\$50.00) without taking bids, but each such sale shall be reported to the Board at its next meeting.

SECTION 6. Chapter 75 of the Private Acts of 1969, and any other acts amendatory thereto is amended in the last section of Section 36 by deleting the language "five thousand dollars (\$5,000)" and by substituting instead the language "fifty thousand dollars (\$50,000)".

SECTION 7 . This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Grand Junction. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.